

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

UNITED STATES OF AMERICA

v.

CARLOS JORDANO HERRERA RUIZ (1)  
ABEL VALDES VGARTE (2)  
YORDANIS SANCHEZ TAMAYO (3)

No. 5:23-CR-087-H  
(Supersedes Indictment Filed on 8/9/2023)

NOV 8 2023 PM 3:45  
FILED - LSOC - NDR - LU  
38

**SUPERSEDING INDICTMENT**

The Grand Jury Charges:

Count One

Use of an Unauthorized Access Device  
(Violation of 18 U.S.C. §§ 1029(a)(2), 1029(c)(1)(A)(i))

From on or about August 3, 2022, to on or about August 3, 2023, in the Lubbock and Amarillo Divisions of the Northern District of Texas, and elsewhere, **Carlos Jordano Herrera Ruiz, Abel Valdes Vgarte, and Yordanis Sanchez Tamayo**, defendants, knowingly and with intent to defraud, used one or more unauthorized access devices, as defined in Title 18, United States Code, Section 1029(e)(1), during the one-year period beginning on or about August 3, 2022, and ending on or about August 3, 2023, to obtain anything of value aggregating \$1,000 or more, this conduct affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2), 1029(c)(1)(A)(i), and 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

Count Two

Conspiracy to Commit Use of an Unauthorized Access Device  
(Violation of 18 U.S.C. §§ 1029(a)(2), 1029(b)(2), 1029(c)(1)(A)(i))

From on or about August 3, 2022, to on or about August 3, 2023, in the Lubbock and Amarillo Divisions of the Northern District of Texas, and elsewhere, **Carlos Jordano Herrera Ruiz, Abel Valdes Vgarte, and Yordanis Sanchez Tamayo**, defendants, did combine, conspire, confederate, and agree with each other, and with others known and unknown to the grand jury, to knowingly and with intent to defraud, use one or more unauthorized access devices, as defined in Title 18, United States Code, Section 1029(e)(1), during the one-year period beginning on or about August 3, 2022, and ending on or about August 3, 2023, to obtain anything of value aggregating \$1,000 or more, this conduct affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 1029(a)(2).

In furtherance of the conspiracy and to effect the objects thereof, the conspirators committed, among others, the following overt acts in the Northern District of Texas and elsewhere: The remaining counts of this indictment are hereby incorporated as overt acts of this conspiracy and of this count two.

All in violation of Title 18, United States Code, Sections 1029(a)(2), 1029(b)(2), 1029(c)(1)(A)(i).

Count Three  
False Identification Documents  
(Violation of 18 U.S.C. § 1028(a)(3))

From on or about a date unknown to the grand jury and continuing to on or about August 3, 2023, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Carlos Jordano Herrera Ruiz, Abel Valdes Vgarte, and Yordanis Sanchez Tamayo**, defendants, knowingly possessed with intent to use unlawfully and transfer unlawfully five and more identification documents, other than those issued lawfully for the use of the possessor, authentication features, and false identification documents, the transfer, possession, and use of the authentication features, and false identification documents was in and affected interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1028(a)(3) and 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

Counts Four-Eight  
Bank Theft  
(Violation of 18 U.S.C. §§ 2113(b) and 2)

On or about the dates listed below, in the Lubbock and Amarillo Divisions of the Northern District of Texas, and elsewhere, each of the defendants listed below, took and carried away, with intent to steal and purloin, money, property, and a thing of value exceeding \$1,000 belonging to, and in the care, custody, control, management, and possession of the bank, credit union, and any savings and loan association listed below, and did aid and abet the same:

Count 4	June 27, 2023	<b>Carlos Jordano Herrera Ruiz and Abel Valdes Vgarte</b>	Wells Fargo (financing the ATM located at EZ Mart at 5444 50th Street, Lubbock, Texas 79414)
Count 5	July 11, 2023	<b>Carlos Jordano Herrera Ruiz and Yordanis Sanchez Tamayo</b>	First Bank and Trust (financing the ATM located at Amigo's Supermarket at 520 N 25 Mile Avenue, Hereford, Texas)
Count 6	July 20, 2023	<b>Carlos Jordano Herrera Ruiz and Yordanis Sanchez Tamayo</b>	Amarillo National Bank (financing the ATM located at North West Texas Hospital Systems in Amarillo, Texas)
Count 7	In July, 2023	<b>Carlos Jordano Herrera Ruiz and Yordanis Sanchez Tamayo</b>	Happy State Bank (financing the ATM located at North West Texas Hospital Systems in Amarillo, Texas)
Count 8	July 23, 2023	<b>Carlos Jordano Herrera Ruiz and Yordanis Sanchez Tamayo</b>	Amarillo National Bank (financing the ATM located at BSA Health Systems in Amarillo, Texas)

All in violation of Title 18, United States Code, Sections 2113(b) and 2 and  
*Pinkerton v. United States*, 328 U.S. 640 (1946).

Count Nine  
Conspiracy to Commit Bank Theft  
(Violation of 18 U.S.C. § 371)

From on or about June 27, 2023, to on or about August 3, 2023, in the Lubbock and Amarillo Divisions of the Northern District of Texas, and elsewhere, **Carlos Jordano Herrera Ruiz, Abel Valdes Vgarte, and Yordanis Sanchez Tamayo**, defendants, did combine, conspire, confederate, and agree with each other, and others known and unknown to the grand jury, to take and carry away, with intent to steal and purloin, money, property, and a thing of value exceeding \$1,000 belonging to, and in the care, custody, control, management, and possession of a bank, credit union, and any savings and loan association whose deposits were then insured by the Federal Deposit Insurance Corporation, and did aid and abet the same.

In furtherance of the conspiracy and to effect the objects thereof, the conspirators committed, among others, the following overt acts in the Northern District of Texas and elsewhere: The remaining counts of this indictment are hereby incorporated as overt acts of this conspiracy and of this count nine.

All in violation of Title 18, United States Code, Section 371.

Counts Ten-Fourteen  
Computer Fraud  
(Violation of 18 U.S.C. §§ 1030(a)(4), 1030(c)(3)(A))

On or about the dates listed below, in the Lubbock and Amarillo Divisions of the Northern District of Texas, and elsewhere, each of the defendants listed below, knowingly and with the intent to defraud, accessed a protected computer without authorization, to wit: the automated teller machines further identified below, and by means of such conduct furthered the intended fraud and obtained something of value, specifically, money:

Count 10	June 27, 2023	<b>Carlos Jordano Herrera Ruiz and Abel Valdes Vgarte</b>	Wells Fargo (financing the ATM located at EZ Mart at 5444 50th Street, Lubbock, Texas 79414)
Count 11	July 11, 2023	<b>Carlos Jordano Herrera Ruiz and Yordanis Sanchez Tamayo</b>	First Bank and Trust (financing the ATM located at Amigo's Supermarket at 520 N 25 Mile Avenue, Hereford, Texas)
Count 12	July 20, 2023	<b>Carlos Jordano Herrera Ruiz and Yordanis Sanchez Tamayo</b>	Amarillo National Bank (financing the ATM located at North West Texas Hospital Systems in Amarillo, Texas)
Count 13	In July, 2023	<b>Carlos Jordano Herrera Ruiz and Yordanis Sanchez Tamayo</b>	Happy State Bank (financing the ATM located at North West Texas Hospital Systems in Amarillo, Texas)
Count 14	July 23, 2023	<b>Carlos Jordano Herrera Ruiz and Yordanis Sanchez Tamayo</b>	Amarillo National Bank (financing the ATM located at BSA Health Systems in Amarillo, Texas)

All in violation of Title 18, United States Code, Sections 1030(a)(4), 1030(c)(3)(A), and 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

Forfeiture Notice  
(18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 1030(i),  
and 28 U.S.C. § 2461(c))

Upon conviction of any of the offenses set forth in this Superseding Indictment, the defendants, **Carlos Jordano Herrera Ruiz, Abel Valdes Vgarte, and Yordanis Sanchez Tamayo**, shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 1030(i), and 28 U.S.C. § 2461(c), any property constituting, or derived from, proceeds the person obtained, directly or indirectly, as the result of such offense; any personal property that was used or intended to be used to commit or to facilitate the commission of such offense; and any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.


If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,


the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(B),  
and 28 U.S.C. § 2461(c).

A TRUE BILL:

  
FOREPERSON

LEIGHA SIMONTON  
UNITED STATES ATTORNEY

  
CALLIE WOOLAM  
Assistant United States Attorney  
Texas State Bar No. 24075306  
1205 Texas Avenue, Suite 700  
Lubbock, Texas 79401  
Telephone: 806.472.7351  
Facsimile: 806.472.7394  
E-mail: callie.woolam@usdoj.gov

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

---

THE UNITED STATES OF AMERICA

v.

CARLOS JORDANO HERRERA RUIZ (1)  
ABEL VALDES VGARTE (2)  
YORDANIS SANCHEZ TAMAYO (3)

---

SUPERSEDING INDICTMENT

COUNT 1: USE OF AN UNAUTHORIZED ACCESS DEVICE  
Title 18, United States Code, Sections 1029(a)(2),  
1029(c)(1)(A)(i).

COUNT 2: CONSPIRACY TO COMMIT USE OF AN  
UNAUTHORIZED ACCESS DEVICE  
Title 18, United States Code, Sections 1029(a)(2), 1029(b)(2),  
1029(c)(1)(A)(i).

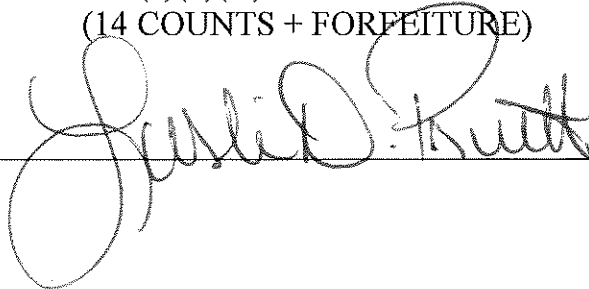
COUNT 3: FALSE IDENTIFICATION DOCUMENTS  
Title 18, United States Code, Section 1028(a)(3).

COUNTS 4-8: BANK THEFT  
Title 18, United States Code, Sections 2113(b) and 2.

COUNT 9: CONSPIRACY TO COMMIT BANK THEFT  
Title 18, United States Code, Section 371.

COUNTS 10-14: COMPUTER FRAUD  
Title 18, United States Code, Section 1030(a)(4),  
1030(c)(3)(A).  
(14 COUNTS + FORFEITURE)

A true bill rendered:  
Lubbock



Foreperson

Filed in open court this 8<sup>th</sup> day of November, A.D. 2023.  
Defendants in federal custody.

  
UNITED STATES MAGISTRATE JUDGE